

*Transcribed from a 1984 article in Master Detective magazine: (Master Detective magazine published sensationalized versions of true crime stories and has been in print since 1924, some of the content in this article is graphic)*

## **A brave young cop was killed in the**

### **S.W.A.T. SHOOTOUT**

### **WITH RENA'S KILLER**

**by WALT HECOX**

THE WOMAN watched from her window and saw figures moving in the shadows across the street. It was 11:00 p.m. The figures moved from the house to the side doors of a van parked at the curb. She did not recognize the men, but noted that one was taller than the other. What she did know about that particular house was that it was occupied by two young women and that they often had male visitors.

The date was April 29, 1980. The house in question was on Alamo Street in Pinole, California. The woman at the window watched as one of the men climbed into the van and drove it away, the headlights off.

The van turned off Alamo and onto Higuera. Fifteen seconds after that, the woman saw a little black Dodge start down the street. The Dodge belonged to one of the women who lived in the house-Rena Aguilar. Suddenly, the silent watcher at the window heard the squeal of tires on Ramona Street, a block away. That was followed by the scream of a woman-a high pitched wail that shattered the night's silence.

The witness called the police. And at this point other witnesses emerged from their homes to see what all the screaming was about. What they saw was horrible. Rena Aguilar sat on a porch step. She was bloody. Her exposed intestines were lying in her lap.

Some of the witnesses saw the van and the Dodge drive away. Others stared at the wounded young woman, but did not know what to do for her.

At 12:15 a.m. on April 30<sup>th</sup>, Officer Douglas McArthur of the Pinole Police Department was going out on his midnight shift when he heard the call from the dispatcher. His information was meager. There was a possible murder, or at least a severe assault, on Ramona Street. The dispatcher had received several excited telephone calls, but not an address from anyone.

The officer estimated that he reached Ramona Street in less than a minute. There he saw a growing knot of people gathered in front of one of the houses waving their hands. He parked

his patrolcar, approached the excited people, and was guided to the porch where Rena Aguilar was propped up in the corner, bleeding and unconscious.

Officer McArthur used his portable radio to summon help and an ambulance. He then approached the young woman and felt her pulse. He could detect neither pulse nor heartbeat. Her body was warm, but he could not hear any breathing. Noting that her head was cocked at an uncomfortable angle that might interfere with her respiration, he straightened her head and, as he did so, he thought he heard her gasp for air.

While he worked the officer became aware of a young woman standing beside him. She told him that she had been returning to her home on Alamo Street when she saw a van moving along the street, followed by Rena Aguilar's black Dodge. Rena Aguilar, she informed the officer, was the injured woman.

As the officer continued with his first aid efforts, the girl described the van she had seen. She said it was brownish green, with some kind of a mural painted on one side. It would she believed, be easy to identify.

Before the ambulance arrived, Officer McArthur used his portable radio to relay the information to the dispatcher and ask that an all-points bulletin be issued asking that the people in the van, as well as the driver of the black Dodge following it, be stopped for questioning.

Officer Larry Dean Hodges, also of the Pinole Police Department, had been patrolling on the Pinole Valley Road (Author typo: should read San Pablo Ave), a major thoroughfare that passes through most of the small towns which border the eastern shore of the San Francisco Bay, when the dispatcher issued the call for help on Ramona Street. Hodges wheeled his patrolcar around in a tight U-turn and headed back for the center of town, reaching Ramona a few moments after Officer McArthur. As he approached the porch where Rena Aguilar was propped up in the corner, he heard McArthur broadcast the description of the van seen by the young woman on Alamo Street.

Officer Hodges' mind moved back a few moments. As he had been driving along Pinole Valley Road he had seen a brown van, with a mural painted on its side, cross the parking lot of a liquor store located there.

Seeing that Officer McArthur was doing everything possible, did not need backup and would have help available within seconds, Officer Hodges returned to his car and informed the dispatcher that he had seen the suspect van and would be searching for it along Pinole Valley Road.

The officer then contacted a Hercules Patrolman, whom he had seen cruising the Pinole Valley Road a few moments earlier, and instructed him to watch for the van in case it was

moving in a northeasterly direction toward Interstate 80, an eight-lane freeway that slices through the bayside towns.

Officer Hodges then headed north on the Pinole Valley Road. He was out of Pinole and into the neighboring city of San Pablo when he spotted the van as it dropped down a freeway off-ramp onto Broadway at Thirteenth Street.

His luck, the officer realized, was incredible. Had he reached Broadway five seconds earlier or later, he would never have seen the van. As it was, he pulled up behind it as he activated the red-and blue revolving emergency light atop his car. The van, instead of stopping, picked up speed, then turned sharply down Seventeenth Street.

The block was a short one and, at the next intersection, the van swerved onto Merritt and accelerated to an even faster pace. Behind it, Officer Hodges turned on his spotlight in a direction he hoped would focus on the van's rear windows.

By that time the officer was exceedingly busy. He was trying to maintain control of the speeding patrolcar with one hand while directing the spotlight and, through a radio which was producing more static than communication, attempting to raise some backup help from the San Pablo police.

Seconds later, his work load increased. The van pulled to a sudden stop, its brakes apparently locking. Officer Hodges, following behind by that time, had to swing around to avoid hitting it. As he did, a medium-sized man with long blond hair emerged from the driver's side and started running in the opposite direction to the one in which the officer was traveling.

Officer Hodges pulled his car to a stop ahead of the van. The man in the driver's seat of the van had run East on Merritt toward 17<sup>th</sup> Street and jumped over a fence. As he did, another man, taller and with blond hair, jumped out of the passenger side and ran in the opposite direction, west on Merritt, the officer jumped out of his patrolcar and followed.

The pair sprinted a short distance, until the fugitive made a 180- degree turn around a parked automobile. He then headed for the driveway of a house in the 2600 block of Merritt, where he jumped over a fence and into the back yard. There he hurdled another fence into a neighbor's yard and completed his day's calisthenics when he cleared a third fence into another back yard.

At this point, Officer Hodges lost the fugitive. He remembered the man he had chased had a beer can in one hand as he emerged from the van and that he had kicked a second can into the gutter at the same time. The officer returned to the car the fugitive had circled and found one of the beer cans where the running man had dropped it. He found the second can beside the van, checked the interior of the van for other persons, then reported to his dispatcher over his

automobile radio. As a further problem, due to continued static, he eventually had to borrow a telephone and reported what had happened.

The officer contacted a woman into whose back yard the fugitive had jumped during the brief chase. He asked for permission to look for evidence, which she granted, but nothing was visible in the darkness.

A second woman, who lived across the street, told the officer that the driver of the van had jumped over her fence and run through her back yard. She said she had found some things and produced a dark blue, hooded sweatshirt and a wallet.

The officer asked both women for permission to return in daylight so that he could make a more thorough search of their properties, and it was promptly granted. He then called his dispatcher and made arrangements to impound the van and waited for the arrival of a tow truck.

Back on Ramona Street, Officer McArthur's problem multiplied. Rena Aguilar had not regained consciousness by the time an ambulance arrived and took her to the hospital. When she was gone, the patrolman sought out the girl who had told him about the van and asked if she could tell him more about the victim.

The girl told him that Rena Aguilar lived directly across the street from her with another woman. Rena, the girl said, paid a small amount of cash for her room and board and the rest of it through a babysitting arrangement. The woman had two small children; Rena herself had a baby less than two years old.

Officer McArthur went to Alamo Street and found the woman with her two children, who lived in the house pointed out as the home of Rena Aguilar. The woman was crying and several other people were present. Noting that none of them had a baby, the policeman asked about Rena's child.

The individuals there indicated that the baby would be in a back room. Officer McArthur moved in that direction and eventually followed the sound of crying to a darkened back room. There he found Rena Aguilar's 18-month-old child on the floor, crying.

After he had picked up the baby and turned it over to the care of one of the women in the front room, Officer McArthur took a quick look through the house. He noticed that the living room was well splashed with blood. There was also blood in the kitchen and the sink was partially filled with crimson-colored water.

Officer McArthur made arrangements for a relative of Rena Aguilar to come to the Alamo Street dwelling and take the baby. He then asked the other people, who did not live in the house, to leave, pointing out that it was apparently a crime scene and would have to be kept as

intact as possible for examination by technicians and detectives. The people left, including the woman and two children who had lived there with Rena. The officer secured the property.

Detective Peter Janke, of the Pinole Police Department, was called by Dispatcher Terry Krieger at about 12:45 a.m. on April 30<sup>th</sup> and filled in on what had happened to date. When Janke reported to police headquarters a few moments later, she relayed what details were available.

A woman named Rena Aguilar had been stabbed, the dispatcher said, and was currently in Doctor's Hospital in Richmond being treated for her wounds. She then told the detective about Officer McArthur's finding the wounded woman's baby and Officer Hodges' pursuit through San Pablo of the suspect van.

The detective went first to the liquor store parking lot where the van had last been seen in Pinole. There he met Officer Larry Watts of the Hercules Police Department, who showed the investigator a black Dodge which, according to its registration slip, belonged to Rena Aguilar.

Detective Janke arranged to have the Dodge impounded, then continued to the Alamo Street crime scene. He was met there by Officer McArthur, who passed on his knowledge of the facts. The living room was covered with blood, a heavy trail of gore leading from a stand which evidently had once held a telephone, to the kitchen, where there were more bloodstains on the floor. The water standing in the kitchen sink was still crimson.

The investigator contacted the Contra Costa County Sheriff's Department and arranged for personnel to be sent to process the scene. When Criminalist Karen Sheldon arrived, Detective Janke proceeded to Doctor's Hospital. There he learned from a physician in the emergency ward that Rena Aguilar died at 2:08 a.m.

Detective Janke then discovered that Jezebel Jones, the woman with whom Rena had shared the house on Alamo Street, was staying with relatives. He contacted her at that address.

The young woman said that she had seen Rena earlier in the evening and that Rena had been fighting with the young man visiting her, Verne Pardee. Sometime later, she said, Rena had left with her baby and she had departed a little after that with her two children.

Apparently, she said, Rena had come home ahead of her. When Jezebel herself arrived home, she said, she had been greeted by neighbors who told her that something was wrong. When she entered the house she saw bloodstains in the living room and kitchen. That was all she knew, Jezebel said.

Asked if she believed that Pardee had committed the murder, Jezebel said she didn't know.

While questioning the young woman, Detective Janke was contacted by his dispatcher, who told him that one James Richard Odle, an ex-convict with a violent background, had been a frequent visitor to Mrs. Jones and was apparently a good friend.

Confronted with this information, Jezebel Jones told the detective that she had known Odle for about 10 years, long before he had gone to prison, and that she considered the 33-year-old man a good friend. She had seen him last on Sunday, two days before the murder.

At that time, Jezebel said, Odle had announced that he was leaving the area and moving to Oregon. He also pointed to a van parked across the street that was green, but an off-hue that could have been taken for brown at night.

“Hey,” Jezebel said her visitor had exclaimed, “That’s a nice van. It would be just right for my trip.”

The woman said she had thought no more about the incident other than that she had begun to dislike and to be afraid of Odle. As the detective questioned her, she became more and more agitated until he finally ended the session.

Early the next morning, while Detective Janke prepared a series of search warrants for the house on Alamo Street, the van and Rena Aguilar’s Dodge, he received a call from Officer McArthur, who told that he had Verne Pardee, Rena Aguilar’s boyfriend, on the telephone.

“Get him to come in here, I want to talk with him,” the investigator requested. A short time later, Pardee appeared at Pinole Police Headquarters. Detective Janke arrested him on suspicion of murder, read him his Miranda rights and began a long interrogation.

Although the young man admitted that he had been with Rena for a short time that evening and that they had an argument and parted, each going their own ways, he was able to argue convincingly that he was not one of the two men seen by the woman at the window on Alamo Street between 11:00 p.m. and midnight. He offered to take a lie-detector test and one was arranged immediately.

Pardee passed the polygraph test and was released, with a warning that he might be questioned again. Meanwhile, Officer Hodges had traveled back to San Pablo on his own time, contacted the women there whose yards the two men he had chased had entered. His effort was rewarded with a driver’s license, which identified its owner as Wilfred Smythe of San Pablo. The information was turned over to Detective Janke who learned, shortly thereafter, that Smythe was a close associate of James Odle, Jezebel Jones’ friend.

Detective Janke turned his attention back to Jezebel Jones, hoping that she might provide a more satisfactory suspect. During a second interview, she told the investigator that she believed James Odle had stolen the van which had been parked on Alamo Street for a few days.

She said that she had heard Odle, on Sunday before the murder, tell Rena the van was his and that he was going to paint it and then drive it to Oregon after changing the license plates. The plate change would only have been needed, both women had reasoned, if the van was stolen. Rena, Jezebel said, had given some thought to telling the police about the van.

Jezebel told the detective that she had been sick that day and, after Rena had left, had first talked to her mother on the telephone, then gone to Kaiser Hospital in Oakland for treatment. When she returned, she said, she found a neighbor and a police officer at her door. Not until then did she know about the attack on Rena.

Later that day, Officers Mark Goings and McArthur were directed by Detective Janke to search the van Officer Hodges had chased through San Pablo and which was currently impounded in a Pinole garage.

They found the interior well splashed with blood, particularly in the rear. A large pile of blood-soaked paper towels and rags lay under a bloody blue quilt and a woman's handprint was outlined dramatically against the rear of the passenger's seat. They also found a woman's purse.

During the processing, two beer cans found in the van were tested for fingerprints, and a complete set was found on one. Another set of prints, different from the ones on the beer can, was found on the door near the driver's seat. The prints were forwarded to Criminalist Sheldon with a request that they be compared with those of James Odle.

Also found in the van was a 12-inch length of iron pipe, sealed on both ends. Wires protruded from the ends and a blasting cap sealed one of them.

On the afternoon of May 1<sup>st</sup>, Detective Janke prepared a photo lineup that included James Odle's photograph with those of five other men with similar features, intending to show it to people who had seen the van driving along Alamo and Ramona Streets.

He had finished the layout and had it lying on his desk that afternoon when Officer Hodges came to work on swing shift. The patrolman glanced at the lineup, picked out Odle's photograph and said, "That's the guy I chased last night!"

Early the next morning the impounded van was traced to a used-car lot in Richmond. At 9:00 a.m., Detective Janke interviewed a salesman there who promptly picked Odle's picture from the photo lineup and said he was the man who had stolen the van.

The salesman said that Odle had requested a test ride. He said he had explained the rules required that he drive it to the street, which he did. At that point the salesman descended from the driver's seat and walked around the van to the passenger side. As he did, Odle promptly drove away. The theft was immediately reported to Richmond Police.

Jezebel Jones was taken to the garage where the van was impounded and promptly identified it as the one which had been parked on Alamo Street. She also identified the bloody quilt as hers and a plaid coat, which had been found there, as one worn by Odle. The woman told the officers that she had been informed the length of pipe was a bomb Odle was manufacturing.

On May 2<sup>nd</sup>, Detective Janke learned from the Contra Costa County crime laboratory that one set of fingerprints found in the van belonged to James Odle, definitely placing him in the vehicle.

Later that day, the investigator received a call from an attorney who said she represented Smythe and who made arrangements for her client to surrender to Janke at 2:30 p.m. the next day. He learned, at that time, that Odle had relatives who lived within a couple of blocks of the place where Officer Hodges had chased him. Sometimes, the detective was told, Odle stayed there.

The detective armed with a search warrant and accompanied by San Pablo police officers and representatives of the Contra Costa County District Attorney's office, visited the Merritt Avenue home. There a relative told them that Odle had not been around for some time. A search of the place did not turn up any worthwhile evidence.

A report by Dr. Louis Daugherty, Contra Costa County pathologist, revealed that Rena Aguilar had been beaten brutally before she was murdered. There were indications that she had been hit repeatedly over the head with something blunt. She had also sustained a series of severe cuts on her scalp with a sharp instrument of some kind.

There was a deep bruise on the dead woman's left side. Also found were deep, incisive cuts in her chest and abdomen caused by a stabbing instrument of some kind. There were deep bruises and some cuts on her thighs and legs caused by some sort of blunt instrument.

The girl's neck was also badly swollen, indicating that she had been strangled, and there were signs of hemorrhaging in the soft tissues of the neck.

Her lungs had been penetrated when she was stabbed; as had her intestines and she had hemorrhaging in both places.

Detective Janke learned from Criminalist Sheldon that the pipe found in the back of the van by Officers Goings and McArthur had been dismantled by explosives experts at a nearby army base and found to contain black powder. It was indeed a bomb.

The detective was also informed that a set of fingerprints that did not belong to Odle had found on one beer can and a partial set of the same prints on the other.

On May 3<sup>rd</sup>, at 4:00 a.m., Detective Janke received a telephone call from police headquarters in Pinole informing him that Odle was driving a light yellow pickup with red stripes and he was armed with a sawed-off Mauser rifle.

James Odle, the San Pablo police were informed, had threatened to kill his family.

Detective Janke further learned that, at 2:54 a.m. Officer Dave Hammond had located a yellow Plymouth Arrow pickup with a large red stripes on the sides. It was parked on Higuera Street, near Alamo, only a short distance from Jezebel Jones' currently vacant home.

A registration check of the plates, which were old and would not have been on a brand-new vehicle, revealed that they had been on a stolen 1966 pickup which, by strange coincidence, belonged to the mayor of San Pablo.

Officer Hammond was convinced that Odle was hiding in Jezebel Jones' otherwise empty house. He was joined on Higuera Street by Detective Janke, who checked the mileage on the pickup's odometer and noted that it had been driven a total of 208 miles. The pickup was brand new. After its coil wire had been removed to render it immobile, Detective Janke, at 6:19 a.m., received permission to use the front window of a home on Alamo Street as an observation point. From there he could see both the Jones house and the truck.

Prior to taking that position, the detective had contacted the woman who lived in the house directly across the street from Jezebel Jones and asked her if she could see the yellow truck parked near the intersection of Alamo and Higuera. The woman told him she could not, so he chose the other house, where both the truck and Jones residence were visible.

It was now 8:19 a.m. on May 3<sup>rd</sup>. A blue car drove to the Jones house and three men got out and started up the drive. They were quickly warned to leave, informed that Odle might be inside and he was dangerous. The three men, who had come to pick up some personal items for Jezebel, left Detective Janke, with the house surrounded, decided to search it. The officers were inside a short time and had found no one when the woman who lived across the street called Janke.

The woman was a worrier. She had been worrying while she watched the strange midnight performance at the house across the street from hers on Alamo the night of the 29-30<sup>th</sup>. Then she wondered, after the telephone call, if Detective Janke was really a police officer and she had checked his credentials with headquarters. Later she had started downtown with a friend and had seen the yellow truck rolling downhill. It moved down Higuera to Ramona, turned there and went to Estates, where it eased through a stop sign, turned again to Hermosa Court and stopped.

The woman and her friend saw it all, then rushed to tell the officers that the truck they had been watching was at a new location.

Officer Don Donahue and Bernie Swartz reported for duty on the day shift at the Pinole Police Department at 8:00 a.m. on May 3<sup>rd</sup>. They briefed as usual, but with emphasis on a stakeout currently being on Alamo Street by Detective Janke and some other officers.

The officers were told that the department had reason to believe James Odle, wanted for questioning in connection with the murder of Rena Aguilar, was hiding out in the house owned, and formally occupied by, Jezebel Jones, Rena Aguilar and their children.

Ordered to assist in the stakeout and a possible search of the house on Alamo Street, Officer Donahue and Swartz went there and arrived shortly before the woman told Detective Janke about the Plymouth Arrow which had moved to Hermosa Court.

Without further ceremony, the two patrolmen proceeded to Hermosa Court, where they found the Plymouth parked in a rectangular space next to the court. Simas Creek ran between Dolores Court and Hermosa to the shores of the San Francisco Bay, a short distance away.

Officer Swartz parked his patrolcar in the center of the court, facing the parked Plymouth. Officer McArthur pulled his car up in front of the pickup, while Officer Donahue parked directly behind it. While Officer Swartz approached the yellow Plymouth, Officers McArthur and Donahue covered him, thinking that Odle might be lying or crouching down out of sight in the front seat.

The pickup was empty. Having been told that the coil wire had been removed from the Plymouth, the officers could not understand how it had rolled that far without it. They raised the hood to see if the wire was still missing. It was. Then they returned their attention to the driver who had brought it there with the aid of nothing but gravity.

Officers Swartz and Donahue were familiar with the area and knew that the back yard of one of the homes on Dolores Court had access to the creek.

The Officers moved between houses toward the creek. As they passed a large sliding glass window at the rear of one of the houses, they heard a small dog barking furiously. While Officer Donahue went to the front of the home to awaken the family living there, he heard Officer Swartz shout from the rear that he had made contact with a man living in the house.

While Officer Donahue returned, his partner asked the man if his dog had been barking a few minutes earlier and was informed the canine had displayed a considerable degree of apprehension and anger at that time and had barked furiously.

After conferring, the officers climbed over the back fence into the creek area, which was heavily covered by underbrush at that point. While Officer Donahue followed the creek bed north, Officer Swartz moved south. Officer Donahue heard his partner shout, asking if he had found any evidence that the heavy grass in the area had been tramped down.

Officer Donahue continued to follow the creek bed until he found a place, beside the stream, where the grass had been trampled and was flattened to some degree. The trail, he could see, continued on, across the creek.

After he had crossed the stream, the crushed grass led Donahue to a path which led to the back yard of another home. Reasoning that the path would provide a fugitive the easiest route to run from the area, Donahue followed it. It took him to the back of a house on Dolores Court.

The yard, the officers noted, was bare. A small olive tree rose from its center, above open lawn. To his left there was pampas grass growing, apparently used for a border around much of the yard.

The officer looked to his right. There he spotted the fugitive, kneeling near the end of the fence behind a small steel pole. He was almost completely hidden from view by another outcropping of pampas grass; the officer could see that he was holding a sawed-off weapon of some sort. The man's right hand was on the cut-down stock of the gun, his left was holding the forward receiver grip of the weapon.

Officer Donahue first called out to his partner, telling him that he had spotted the fugitive, and giving directions on how to get there. Then he addressed the man behind the pampas grass.

"You'd better take that weapon by the barrel and toss it out of there, then come on out with your hands up," Donahue instructed. "You haven't got a chance. More officers are on their way and the place is completely surrounded."

The man behind the pampas grass answered succinctly: "I sure picked a hell of a place to hide, didn't I?"

But he made no move to surrender. "I'm not going to come out. And I'm not going back to prison," he concluded.

Officer Swartz arrived and took up a position behind a clump of pampas grass in the right corner of the yard. Officer Donahue, his gun drawn by then, maintained his position behind the olive tree in the center of the yard. The tree, he reflected, was not much shelter. It would not completely hide the presence of a heavy man, let alone shield him. The officer estimated that the distance from him to the fugitive was about 20 feet.

In the background, Donahue' could hear other members of the posse arriving. Somewhere behind the fugitive, a large dog barked. While Officer Swartz remained silent, his partner continued to urge the hunted man to give himself up.

"The sheriff's department is sending in its canine corps to help with the search," Officer Donahue called out. "You haven't got a chance. Throw out that gun and give up- please."

Several more times, Donahue pleaded with the man telling him that a shootout wasn't worth it, that prison was better than dying in that pampas grass.

Once the officer saw the stubby barrel of the sawed-off weapon leveled in his direction. "You shouldn't do that," Donahue shouted. "I'd hate to have to kill you. This isn't worth dying over. Believe me, prison is better than dying."

Shortly thereafter, from his position behind the pampas grass in the opposite corner of the yard from the fugitive, Officer Swartz shouted, "Come on man. Give it up!"

Seconds later, the fugitive stood up. He was warned by both Officers Swartz and Donahue that he shouldn't be moving around, that there were other officers coming and he should give up.

There was a moment's hesitation, and then a single shot ripped the otherwise quiet and clear springtime morning. Officer Donahue saw his partner's knees buckle forward. His body began falling back and he dropped to the damp earth beside the pampas grass.

Donahue looked toward the fugitive's position and fired three shots. He didn't know and didn't much care at the moment, whether any of his bullets had hit the hunted man or not. He started toward Officer Swartz, then paused as he saw the fugitive level his weapon toward him.

The hesitation lasted only a fraction of a second. Then Donahue ran toward his partner. He could see that Officer Swartz was wounded in the neck and face. As he drew nearer he saw that Swartz was bleeding from his nose and mouth.

Later, Officer Donahue would say, "he looked like someone had held him upside down and all the blood in his body rushed out his nose and mouth!"

Donahue knelt beside his partner and held him in his arms. The wounded policeman made a few noises, some gurgling sounds.

"That was it," Donahue reported later. "He never regained consciousness."

The patrolman sensed his partner would not live, but he managed to get the standard message off on his portable radio: "Officer needs help! Please send assistance immediately."

By the time he had finished calling he was aware of the approach of Detective Janke and Sergeant Phil Pollard, who had been supervising the field operations, behind him. He also knew that a policeman from Hercules had joined the search and was somewhere on the perimeter of the yard.

Ignoring the threat of the Mauser, which he believed was still across the yard from him; Officer Donahue attempted to use cardio-pulmonary resuscitation techniques to revive his partner, who, by then, had lost consciousness.

Sergeant Pollard, approaching from the rear, asked the officer if he needed help with the CPR effort. Donahue shook his head.

Detective Janke, who had hurried to the area with the other as soon as news of the parked Plymouth Arrow was received, had plunged into the heavily over ground wooded area behind Hermosa Court immediately. He heard over his radio that Officers Donahue and Swartz had the fugitive trapped and rushed to the area, reaching a position directly behind Swartz in time to hear Donahue trying to coax the fugitive into surrender.

The detective tried to run around the house, so that he could take up a position directly behind Swartz in time to hear Donahue trying to coax the fugitive into surrender.

The detective tried to run around the house, so that he could take up a position behind the hunted man, but found underbrush so thick that he was sure he would alarm the fugitive as he approached and probably get shot in the process.

He returned to Swartz stationed behind the pampas grass just in time to see him stand and take the fatal shot from the Mauser. The detective promptly used his call radio to summon an ambulance and call for help from neighboring departments. Pinole, a city of 15,000 rarely has more than three police officers on routine patrol duty during a single shift.

During the few moments when the fallen officer was occupying the attention of his fellow policemen, the man with the Mauser slipped out of the yard and into heavy underbrush which borders Simas Creek. There were two directions in which he might run- north along the narrow, overgrown creek bottom, past the liquor store parking lot and through the heart of Pinole to the bay; or south, up into heavily wooded hills.

Police shootouts in areas where the wanted men have the advantage of heavy cover provided either by buildings or, in the case of Pinole, thick underbrush, can turn- and have turned in the past- into confusing disasters during which the people involved might reach a situation in which they don't know if they are shooting friend or foe. That is why Special Weapons and Tactics teams have been organized in many areas of the country.

In Contra Costa County, a total of nine dedicated volunteers from the ranks of the deputies form the SWAT unit, a specially trained and disciplined unit whose combat-wise members are capable of bringing such a shoot out situation under disciplined control and to a satisfactory conclusion.

The Contra Costa SWAT team had been so successful in the past that is Heckler and Koch, 9 millimeter automatic weapons had only been fired once over a 10 year span.

Sergeant Mike Weymouth was in command of the Contra Costa County Sheriff's Department SWAT team the morning of May 3<sup>rd</sup>. Combat duty, however, is strictly peripheral in the life of a Contra Costa County SWAT team member. Their regular duties vary.

When Sergeant Weymouth received orders to get members of his team to Pinole, where a police officer had been killed by a fugitive still at large, he was teaching a class in defensive driving at the Sheriff's Department Police Academy in Concord.

Because it was on his way, the sergeant stopped by sheriff's department headquarters in Martinez, picked up his equipment and changed to camouflaged fatigue clothes and boots when he reach police headquarters in Pinole.

As soon as he had been briefed, he went into the field and awaited the arrival of SWAT team members Ken Simpson and Russ Sutter, who were promptly paired with a pair of canine patrol deputies, Richard Dussell and Terry Johnson.

Deputy Terry Johnson had taken only enough time to put on a flak jacket.

As he rushed to get his canine patrol companion into the car, he was then ordered to proceed directly to Pinole. Arriving there he reported to Sergeant Weymouth and was shown a map of the area and the approximate location of the fugitive's hiding place. He was paired with Deputy Simpson.

With Deputy Simpson covering him from behind, Johnson and the dog worked up the right side of the creek from Ramona, where a bridge crossed it, about 200 yards upstream, to the south. At that point the dog broke and ran into an unfenced back yard on Dolores Street where some low cover was provided by pampas grass.

The dog swept back and forth across the yard until he found some blood-stained plastic bandages. They were directly above the earth steps leading to the creek. The yard was bordered, as were man yards in the area, with pampas grass, and a large olive tree stood in the center.

At the time, due to the urgency of the call, Deputy Johnson had come to the scene from his home in his private car. He had paused only long enough to put on the flak jacket, a T-shirt over it, and pick up his Colt. 38 revolver.

The deputy waited until his dog had worked through the area, then entered the yard to see what he had found. When he finished he praised the dog, who had waited for his arrival, according to custom, and sent him out again. A shot rang out as soon as the animal started to move. Deputy Johnson hit the ground. The shot had come from the pampas grass directly in front of him. He was completely exposed, on the grass. Deputy Johnson was aware that Deputy Simpson was to his right, sheltered by the olive tree. As he scanned the yard in the direction from which he thought the shot had come, he thought he saw the glint of a gun barrel in the pampas grass. He squeezed off a shot from the .38 in that direction. His reward was two shots, to close for comfort, in return.

The deputy thought he had seen muzzle flashed from the pampas grass and fired the .38 three times in that direction again. Meanwhile Deputy Simpson fired a pair of shots from his position behind the olive tree.

Before anyone was hit, Deputy Dussell, his dog, and Deputy Sutter came up out of the creek bed. Dussell sought shelter behind the olive tree. Sutter, sizing up the situation, told Deputy Johnson that he had better run for cover while he covered him with his Heckler and Koch.

Johnson paused for a moment, while Sutter fired single shots in the direction of the pampas grass. A fusillade of shots answered the SWAT team member. Johnson watched the bullets kicking aside the grass on the lawn in front of him. He was directly in their line.

Deputy Dussell had received the call to report to Pinole at 9:00a.m. He was on this way, with his dog, in a matter of seconds. When he arrived, Sergeant Weymouth was already waiting for him. The sergeant showed the deputies the map and a photograph of the suspect. His name, he told them, was James Odle and he had already killed a Pinole policeman.

The Deputy, as he and Deputy Sutter descended into the creek, was acutely conscious of the Park District Police helicopter overhead. The deputy piloting the craft was warning the fugitive, via a loud speaker, to give up.

“You haven’t got a chance,” the pilot said. “We have canine patrol teams and SWAT teams here now. You have thirty second to surrender, or we’re coming in.”

Thirty seconds later, the deputies and their dogs had descended into the heavy underbrush along the creek banks. As they worked their way south, Deputies Sutter and Dussell lost visual contact with their companions. Then they heard the shooting s and headed in that direction.

Deputy Dussell and his dog climbed over the bank of the creek and moved into the shelter of the olive tree. He was aware of muzzle flashes and gunfire from the pampas grass in

the center of the yard. The deputy fired a few rounds himself. Then he heard Deputy Sutter telling Johnson to find satisfactory shelter while he covered him.

When Deputy Sutter climbed to the edge of the creek bed and saw Deputy Johnson lying on the lawn of the back yard he thought at first that he was the victim of a gunshot to the abdomen. Then when he saw the deputy return the gun fire, he knew he was not hit.

Looking over the situation he saw that Deputy Simpson's right arm was bleeding and he assumed that he had been hit. He had no way of knowing that Deputy Dussell's dog had become confused when Simpson fired and grabbed his wrist, braking the skin and causing a superficial scratch. The incident had rendered that dog team useless. Deputy Dussell had to call the dog in, and the animal would not attack again at that scene.

At first, Sutter squeezed off single shots with his Heckler and Koch. Then, when a series of shots were fired directly at Deputy Johnson, shouted at his companions to run for cover when he fired and switched the weapon to full automatic. He emptied a clip containing 28 rounds at the pampas grass while the deputies found satisfactory cover.

When his companions were safe, Sutter, who felt he was in a better position than any of them with the bank of the creek serving as a barricade, activated his radio and asked that another team be sent to the area.

With that done, Sutter began reloading his weapon. As he did so he noticed movement in the pampas grass from which the gunfire had been coming. He was aware of a large, heavy body moving in a southeasterly direction through the creek underbrush.

The deputies searched the area where the fugitive was lying but found nothing to indicate what condition he was in. They maintained surveillance over the area in which he had fled until Deputy William Updegraff and his dog arrived on the scene.

By that time the battle of Simas Creek in Pinole was almost hours old. The thick growth along the creek bed and pampas grass that seemed to border every lawn had been the fugitive's friend and the officers' enemy. Five more Contra Costa County SWAT team members joined Sergeant Weymouth. Members of the Richmond Police Department SWAT team reported for duty.

The search paused for the moment while Sergeant Weymouth conferred with department heads from Pinole, Richmond, Hercules and the California Highway Patrol, all of which had units in the area. The commanding officers with the residential perimeters of Simas Creek guarded on Estates Drive on the east, Pinole Valley Road on the west, and bridges crossing the stream on Ramona to the north and Simas Street to the south, believed it was almost impossible for the fugitive to escape.

Tactical control of the situation was turned over to the sheriff's department. A final sweep of the area, which would bring the fugitive to bay again, was planned. Sergeant Weymouth set up a skirmish line across the stream, which would move in the south westerly direction up the creek bed.

Deputy Updegraff and his dog, with Deputy Sutter covering him, took a position a few yards in advance of the line. By that time, Sutter had fired two full cartridge clips from his Heckler and Koch. He had worked a full shift before being called back to duty. The evening prior to that he had attended a training session and he had been up all day before that. It was exhausted officer who shared the point of the skirmish line, and one who was afraid that if the fugitive was not caught soon, another police officer would die.

The line moved forward about 15 yards, then Sutter and Updegraff had to wait while the line behind them regrouped. While they waited they heard a voice from the bushes to the south and west of them.

"I'll give up," the voice said.

"Ok," Deputy Sutter responded.

"Throw out your weapon and come out with your hands up."

"I can't," the voice in the bushes replied.

The fugitive was then instructed to hold his arms directly in front of him. Moments later, James Odle emerged from the bushes. While Sutter covered him, Updegraff went forward and put handcuffs on the fugitive, then searched him. A sawed-off rifle was lying at his feet. The prisoner was perspiring freely and complaining about a gunshot wound in his arm.

Later it was learned that one of Deputy Sutter's bullets had wounded the young man.

With James Odle captured, the case was far from finished for Detective Janke. He went to Grass Valley and found the man from whom the killer had received the sawed-off weapon. The man said that he had swapped it for a stereo set. The weapon, the man said, had been complete when the trade was made on May 2<sup>nd</sup>, three days after Rena Aguilar was murdered.

Between that time and the murder of Officer Swartz, Odle had cut off most of the barrel and the stock.

Detective Janke was able to place Odle in the van through fingerprints and Odle's own bloodied possessions. But the big break in the case came with the surrender of Wilfred Smythe, almost on schedule.

Smythe said that he had agreed to go to the Jones home with Rena Aguilar, who Odle had decided, was going to tip off the police about the stolen van.

But Odle's method of reasoning had been to hide in a room near the telephone and when Rena answered a telephone call, to hit her over the head with a tire iron.

Smythe said that Odle hit the woman repeatedly with the tire iron, then strangled her until she was apparently dead. She was not at any time in the house, stabbed.

Smythe admitted helping load Rena in the van and driving away in her car. He had seen the van stopped suddenly. It was during that time, he said, that Odle stabbed Rena in the chest, back and stomach, inflicting what turned out to be the fatal wounds.

From there, Smythe had driven to the liquor-store parking lot, followed by Odle, who pulled up beside him and ordered him to "get in this damned van."

James Odle was convicted of the murders of Rena Aguilar and Bernie Swartz, and 15 other charges on July 15, 1983. Two weeks later, he was sentenced to die in San Quentin's gas chamber. He is awaiting execution on Death Row now.